

**BEULAH FIRE PROTECTION AND AMBULANCE DISTRICT  
BOARD OF DIRECTORS MEETING No. 108  
April 28, 2016**

**MINUTES**

The meeting of the Board was held at the District office in Beulah, CO.

Board members present were: Chair and President Steve Douglas, Vice President Pat Stanifer (joining at 6:37pm), Treasurer Joni Smith, Secretary Kim Toman, and Fundraising Coordinator Bob Thompson. Also attending was Chief Bryan Ware and incoming board member Steve McLaughlin.

**Chair and President Steve Douglas called the meeting to order at 6:35p.m.**

**2. APPROVAL OF AGENDA.**

There was one addition to the agenda, New Business, Item 7.a TABOR– update. During the meeting, there were two last minute additions to the agenda, Old Business, Item 6.f – Election – update and New Business, Item 7.b Thank You Letter from Pat Stanifer.

*Motion was made by Kim Toman to approve the agenda as amended, seconded by Bob Thompson. Motion carried with no objections.*

**3. APPROVAL OF MINUTES of March 24, 2016 meeting.**

Track changes submitted by Board Members were reviewed and approved by all attending Board Members and Bryan. There was clarification updates to Item 6.b,i, District Auxiliary – update – Barn Dance. Joni clarified how the expenses and proceeds were divided between the Arts Council, Beulah B.E.S.T group and the Auxiliary. There no other additions or corrections to the meeting minutes.

*Motion was made by Joni Smith to authorize Secretary Kim Toman to create the final minutes based on the track change corrections and discussed changes and to approve the minutes as amended, seconded by Kim Toman. Motion carried with no objections.*

**4. FINANCIAL REPORT**

**a.** The District checking balance is \$11,042.91. The District savings balance is \$55,011.51. The Enterprise Fund balance is \$10,050, and is included in the savings balance total.

**b.** A new bank account will be opened for the Enterprise Fund to keep recordkeeping easier.

**c.** In the column on the right-hand side, under Modified Cash Basis, the A/R Prop tax collected Mar deposited Apr is a new name for the same line. It was determined that the old name of this line, A/R Prop tax collected but undistributed, was confusing. This line specifies the amount of property tax collected in a month that Pueblo County will disburse to the District in the following month.

**d.** Revenue Line Items 7000, 7005, and 7009, all involving Property Taxes collected by Pueblo County, are one month behind, per Item 4.c, above.

**e.** Expense Line Item 8221, Volunteer On-Call/Response Payroll Taxes, current month activity is \$456. Normally this amount is zero until the end of the month. This amount is a tax penalty that Bryan will request a reversal from the US Treasury. The Treasury considered the 4<sup>th</sup> quarter 2015 payroll tax withholding “late” because it was made by check when the Treasury was looking for an electronic funds transfer (EFT) for the payment. This must be a new requirement from the Treasury since there was no penalty imposed for the 4<sup>th</sup> quarter 2014 payroll tax withholding. Bryan and Joni will investigate what happened and make changes, if needed, so another penalty will not be imposed.

**f.** Expense Line Item 8102, Repair and Maintenance, current month activity is \$550. There have only been minor repairs to the District vehicles last month.

*Motion was made by Pat Stanifer to accept the Financial Report, seconded by Kim Toman. Motion carried with no objections.*

## **5. CHIEF’S REPORT, reported by Bryan**

**a.** So far this year there have been 74 total responses; 51 EMS and 23 Fire. Of the 51 medical calls, 38 have been transported.

**b.** The State Division of Fire Safety and Prevention has given the District the authorization to continue utilizing the Type 6 engine beyond the expired Inter-Governmental Agreement (IGA). Their Field Management Officer (FMO) will be in Beulah within the next few weeks to update the IGA. Bryan is not sure of the details of the updated IGA, but has an email agreement with the FMO to use the vehicle as of March 4, 2016 until the IGA has been updated. The Type 6 engine was out of service from March 1-3, 2016 because of the outdated/expired IGA.

**c.** The Insurance Standard Office (ISO) will be at the District Office in Beulah on May 11<sup>th</sup> to conduct the renewal of the area ISO scores. One item the District should consider for future purchase, to lower ISO scores, is a 3,000 gallon Tender. This capacity Tender would complement our existing 1250 gallon Tender. Being able to bring a total of 5,000 gallons of water to a structure fire would greatly lower ISO scores for everyone in the District. Bryan will mail out the final ISO scores to all District residents when they are available.

**d.** Bryan is currently working on grant and foundation applications, and determining which ones the District would be able to apply for based on geographical acceptance and areas of focus. All foundation applications will be for the new fire station.

**e.** 2016 Board Meeting Minutes and Auxiliary webpage updates will be on the website by next week. Naomi will be graduating Paramedic School and her time will free up for these important tasks. Congratulations and thank you, Naomi, for doing these volunteer tasks.

**f.** There is a resident on North Creek Rd whose driveway was flooded out last spring. With minor repairs to their driveway (the culvert crossing North Creek), they are able to get personal vehicles to their house. These minor repairs are not enough to allow Fire and EMS vehicles to their house. The driveway is just too narrow. Bryan

has advised this resident that Fire and EMS will still respond to calls at their address, but the Fire and EMS vehicles will not be able to drive all the way up to their house. The Pueblo County Sheriff's Communication Center is aware of this restriction as well.

## **6. OLD BUSINESS**

### **a. District Auxiliary - update**

**i.** Jenn, the Treasurer, has moved back to Ohio and has resigned from the Auxiliary. Joni has resumed the Treasurer's position and the Auxiliary is actively seeking an individual to take this position.

**ii.** The May 14 Barn Dance is coming along. After the Barn Dance, the next fundraiser will be the Garage Sale on June 25 and then the Cowboy Poetry event on September 17. About 150 Cowboy Poetry sponsor letters will be sent out next week for donations and sponsorships. The Garage Sale will be a good time to display the plans for the new fire station, educate the community about the project and illustrate the limitations of the existing Station 1.

**iii.** 50 packages of trail mix have been restocked at Station 2.

### **b. Potential Fire Station Site and Plans – update**

**i.** Permitting: Jeff Woerber and Steve met today and went over the amended subdivision exemption plat submitted by Travis. Jeff has a few minimal edits for Travis to update and resubmit, and then the plat can be recorded and filed. Jeff is working on hard copy updates to the plat and will transfer them to an electronic version and pass them on to Travis via email, probably tomorrow. Jeff found that Dick Sellers name was misspelled (final s in Sellers was left off) on the deeds that were previously recorded for the large parcel and the right of way granted to the Colorado Department of Transportation. The deeds will have to be corrected and resubmitted for recording. Since Steve will be out of town from May 4 until May 22, Bryan will follow up on this item. The District will be charged a second recording fee for the revised deeds. This cost will be about \$34. Jeff will also let Bryan know what the plat recording fee will be as well so Bryan can pay that fee too. Jeff will have the plat recorded. Once that is done, the new parcel numbers can be issued and an appraisal can be done on Dick Sellers' donated parcel for the new fire station to the District. Then the parcel can be transferred to the District with a new deed.

**ii.** Site Plans/Concept Design & Funding Report: This report was completed in time to be submitted with the April 1<sup>st</sup> Department of Local Affairs (DOLA) grant application. Each board member should read the document and understand the associated costs of the project. Every Board Member should be able to answer project specific questions from the public. This document is available on the website as well.

**iii.** At the last Board Meeting it was discussed that a public meeting on this project should be held in May. A public meeting in May is now premature but realistically a public meeting in June is more appropriate.

**iv.** Engineering & Management agreement: The next step is to finalize the agreement with F&D International for completion of the remaining work on the new station through and including all construction with the understanding that F&D will not actually be doing the construction. Steve is still completing final revisions of this agreement with F&D, as this document will be the governing document for everything that remains to be done the project. (It picks up where the Phase 1 contact with F&D

left off.) The first part of this agreement includes professional services and an engagement letter (scope of services), the second part is an agreement for professional services. Steve would like this final draft ready for legal review by Tom Mullans; hopefully with the results to us before our May 26 Board meeting. Steve will have Bryan forward the final draft to all Board Members and the Station Planning Committee for review as well. Steve would like the Board to be ready to discuss the agreement at our May meeting. If we are satisfied with the agreement, Steve could sign it at the meeting. This agreement between the District and F&D is for \$243,500 and does not include a few key costs such as the detail survey of the parcel, the geotechnical survey, and a few other costs such as F&D travel expenses to/from their office to Beulah. This agreement does include important items such as facility design, water line engineering, grant application support, ballot language support, fundraising support, etc.

**v. Ballot deadlines:** Bryan received the deadlines from Pueblo County to have the MIL Levy on the November ballot. Filing with the County must be completed by July 29, the IGA between the District and the County for management of the ballot must be signed by August 30, and the final ballot language must be to the County by September 9. The Bond Levy nomenclature used in last month's District Board Meeting was found to be incorrect. The correct nomenclature for this ballot issue is MIL Levy with an end date/sunset.

**vi. Ballot Language:** F&D has a contact, Dan Lynch from Kutack Rock in Denver, that is very experienced in and can prepare the ballot language. Steve would like to use this contact to create the ballot language and then forward the ballot language to Tom Mullan's for review. Tom has created ballot language for the District in the past, and is willing to provide review of the November ballot language for the District after Dan prepares the language.

**vii. MIL Levy dollar amount on ballot:** What the District is currently considering for the MIL Levy is 50% of the project cost (approximately \$45 per year on a \$100,000 value property). Both Todd at F&D and Tom Mullans suggest asking for an larger amount on the ballot for a MIL Levy that would cover the project costs that have not been funded through grants, foundations and donations prior to the November election, just in case the District does NOT receive the DOLA grant. (We would not know the status of the DOLA grant until after the November election.) This is a suggestion that Board Members did not think would be widely accepted by the community. Just the idea of a 50% project cost MIL Levy will be hard to promote in the community, never mind covering between two and three million dollars of the full \$3,750,000 project cost. This is one decision that will have to be made before the final ballot language is sent to the County. Board Members are encouraged to inquire and obtain community views on the amount of the MIL Levy, 50% versus much more.

**viii. DOLA Grant update:** Lee Merkel with DOLA took a first look at the April 1<sup>st</sup> grant application from the District and said that the application was premature because there were not enough demonstrated matching funds for the grant. It was agreed between Steve and Lee to withdrawal the application for now. A formal letter requesting that withdrawal has been sent to DOLA and copied to the Board and Bryan. The next application deadline is August 1 and with lots of fundraising between now and then, there should be enough matching funds available. With a grant application

submittal of August 1 and a MIL Levy decision in early November, the DOLA grant committee, which will meet in the second or third week of November (after the election), should have enough firm information to make a yes/no determination on the grant application/award. Bryan and/or Steve will inquire about how the grant funds are disbursed when a grant is awarded: up-front or reimbursement disbursement.

**c. Natural Hazards Mitigation Planning - update**

Steve submitted all his changes on behalf of the District to Karen Ashcraft. She has also received the State's comments and has sent those out to all Planning Team members for review. Steve will review this before he departs for Alaska. Karen has called for a Planning meeting on May 12. Bryan will attend this meeting on behalf of the District to go over the state's comments/changes.

**d. Potential Mil Bond - update**

This was discussed in Items 6.b.v, vi, and vii, Potential Fire Station Site and Plans – update, above

**e. New Vehicles (Chief & Brush 72) Lease/Purchase - update**

The original loan for the purchase of these vehicles violated TABOR Law because the District entered into a multi-year contract with Fowler State Bank for the loan of the vehicles. This was discovered by the auditor, Sam DeNardo. The loan for these vehicles was changed by Fowler State Bank to a Lease-purchase agreement, but it lacked “subject to annual appropriations” language. Tom Mullans has recommended language to correct that problem and Fowler State Bank will make the change. Nothing else will change in the agreement. If the document is not back before Steve leaves for his vacation, he will sign the document when he gets back.

**f. Election - update**

The official election date is May 3. It has been officially cancelled because the two openings were filled with the self-nominations of Joni Smith and Steve McLaughlin. The new Board Members must be sworn in within 30 days of May 3<sup>rd</sup>. This does not necessarily have to happen at a Board Meeting, but in the past usually has been held at a Board Meeting. Bryan will send Tom Mullans the District's current oath of office language for Tom's review and approval.

**7. NEW BUSINESS**

**a. TABOR update**

In TABOR discussions between the District and Tom Mullans, the question arose whether or not the language of our elections in 2007 and 2012 fully de-bruced the District. The 2007 election was for the formation of the Special Ambulance District while the 2012 election adding Fire services to the Special District. The language of both ballots was written and approved by voters in a way that was intended to fully de-bruce the District. Recent developments elsewhere in Colorado have raised questions about the amount of State grant funds can be received in a year, even when language such as was used here in 2007 and 2012 was employed. There are two issues to consider on this topic. The first involves revenues from property tax. If the District has not de-bruced, any unspent funds not used by the District within the fiscal year must be returned to the taxpayer. The second issue involves State grant funds, specifically the recent award of \$99,000 for personal protective equipment (PPE) or the DOLA grant we are applying for to help fund the new fire station. If the District is not de-bruced

then there may be a limit on the amount of state grant funds that the District can receive. The limit of State grant funds involves a complex formula based on prior year spending plus 2% for inflation plus a growth factor in the District area, if any. We have authorized Tom Mullans to have the 2007 and 2012 ballot language reviewed by Dee Windsor, a TABOR attorney with Butler-Snow in Denver, who is very familiar with these issues. Perhaps modifications can be made to the 2016 ballot language to obtain the level of de-brucing the District would desire, if needed.

**b. Thank You letter from Pat Stanifer**

Steve read out loud, the Thank You letter Pat Stanifer sent to all Board members. Unfortunately, Pat's work load at St. Mary Corwin is too great for him to continue serving the Board for another term. The District extends many thanks to you, Pat, for your time and dedication in serving the District for as long as you did. Best wishes to you in all your future endeavors.

**8. MOTION TO ADJOURN:** *Motion to adjourn was made by Pat Stanifer, seconded by Bob Thompson. Motion carried with no objections.*

Meeting adjourned at 8:23pm.

Kim Toman  
Secretary, Board of Directors  
Beulah Fire Protection and Ambulance District  
Final

Attachments

-Agenda

-Beulah Fire Protection and Ambulance District - Statement of Actual to Budget, Jan 1 to March 31, 2016